



Legislative Bulletin.....March 9, 2005

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H.R. 3—Amendments to the Transportation Equity Act: A Legacy for Users (TEA-LU)

H.R. 3—Amendments to the Transportation Equity Act: A Legacy for Users (TEA-LU) (Young, Don)

Order of Business: The bill is scheduled to be considered on Wednesday, March 9th and Thursday, March 10th, subject to a structured rule (H.Res. 140). Passage of H.Res. 140 will automatically add amendments to the underlying text, as summarized in a previous RSC document. In addition, the rule will also make in order 10 amendments for separate consideration in the Committee of the Whole later today (summarized here). The Committee of the Whole will then rise without motion; consideration of H.R. 3 will then continue tomorrow (see note). Tomorrow's continuing consideration of H.R. 3 can only go forward after the reporting and passage of another rule, which is likely to make additional amendments in order.

NOTE: Issues involving “minimum guarantee,” “scope” and additional high-priority projects are **NOT** addressed in any of today's amendments, including the amendments automatically adopted upon passage of today's rule.

Summary of Amendments Made in Order under Today's Rule (H.Res. 140). Debate time indicated parenthetically:

- 1. Boozman #7.** Allows operators of a property-carrying motor vehicle to take up to two hours of off-duty time during their 14 work-hours on-duty, so as not to exceed 16 hours. (10 minutes)
- 2. Conway #29.** Exempts commercial motor vehicle operators working in field operations for the natural gas and oil industry from the hours of service rules issued by the Federal Motor Carrier Safety Administration. (10 minutes)
- 3. Kuhl #2.** Increases from 100 to 150 the air-mile radius that applies to the exemption for maximum driving and on-duty time for drivers of motor carriers transporting agricultural commodities or farm supplies. (10 minutes)

4. Moran (KS) #9. Includes in the definition of “agricultural commodities”: livestock, food, feed, fiber, and other farm products for the purposes of the exemption for maximum driving and on-duty time for drivers of motor carriers transporting agricultural commodities or farm supplies for a 100 air-mile radius from the time of planting or harvest to the distribution point. Also extends to the agricultural hours-of-service exemption the same review that currently applies to well-drilling rigs. *(10 minutes)*

5. Kuhl #3. Directs the Secretary of Transportation to work with the State of New York to designate a portion of Interstate 86 in upstate New York, in the vicinity of the City of Corning, the “Amo Houghton Bypass,” after former Congressman Amo Houghton (R-NY), who retired from Congress in 2004. Includes ten findings about Amo Houghton’s life and achievements, including: “Amo Houghton will always be remembered as a man of principle, statesmanship, moderation, bipartisanship, and civility.” *(10 minutes)*

6. Osborne # 17. Exempts the State of Nebraska from the ISTEPA 1991 truck-length freeze, subject to the will of the Nebraska State Government, to allow the operation of commercial vehicle combinations not exceeding 81 feet, 6 inches for custom harvesters operating in Nebraska. Such trucks could only be used for harvesting wheat, soybeans, and milo on a contract basis during the harvest months for such crops, as determined by Nebraska. *(10 minutes)*

7. Cox/Moran (VA) #14. Clarifies that federal law does NOT prevent a state from requiring 1) that a tow-truck operator have written permission from the owner (or his lessee, or the employee or agent thereof) of the private property who is authorizing a nonconsensual tow; and 2) that the owner (or his lessee, or the employee or agent thereof) of the private property be present at the time the vehicle is towed from the private property. *(10 minutes)*

8. Kennedy (MN) #11. Streamlines tolling authority to charge tolls on new lanes and dedicates those revenues to user-fee purposes (i.e. to transportation purposes related to the highway project on which the toll is collected). Restricts the authority to convert existing non-toll interstate highway lanes into tolled roads and then indefinitely toll those roads. *(20 minutes)* Note: The National Taxpayers Union and Americans for Tax Reform have expressed support for this amendment.

9. Davis, Tom (VA) #21. Removes the requirement that toll rates on high-occupancy toll lanes be differentiated for low-income drivers. *(10 minutes)*

10. Graves #5. Eliminates liability under state law for an owner of a motor vehicle or their affiliate who is engaged in the business of renting or leasing motor vehicles, provided there is no negligence or criminal wrongdoing on the part of the motor vehicle owner or affiliate. This amendment would NOT supersede state laws regarding the insurance or financial responsibility that the owner or affiliate must maintain for each vehicle, in accordance with state laws where the vehicle is registered. *(20 minutes)*

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